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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

BYRON CHAPIN MYERS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

No. 2:20-CV-0151-WBS-DMC-P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. On March 16, 2021, the Court directed Plaintiff to file an amended complaint within 30 days. Plaintiff was previously warned that failure to file an amended complaint may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. To date, plaintiff has not complied.

In light of Plaintiff's failure to file an amended complaint as directed, the Court finds that dismissal of this action is appropriate.

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1 Based on the foregoing, the undersigned recommends that this action be dismissed,
2 without prejudice, for lack of prosecution and failure to comply with court rules and orders.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court. Responses to objections shall be filed within 14 days after service of
7 objections. Failure to file objections within the specified time may waive the right to appeal. See
8 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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10 Dated: May 26, 2021



11 DENNIS M. COTA
12 UNITED STATES MAGISTRATE JUDGE
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